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Attorney General of the State of California
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8 Attorneys for Ron Diedrich, in his official capacity as
Director and Chief Administrative Law Judge of the
9 State of California Office of Administrative Hearings

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
13

14 **C.S., by and through his Conservator, MARY**
15 **STRUBLE, on behalf of himself and all**
others similarly situated,

16 Plaintiff,

17 v.

18 **CALIFORNIA DEPARTMENT OF**
19 **EDUCATION, a State Agency,**

20 Defendant.
21
22

Case No. 08 CV0226 W AJB

**NOTICE OF MOTION TO
INTERVENE BY RON DIEDRICH,
IN HIS OFFICIAL CAPACITY AS
DIRECTOR AND CHIEF
ADMINISTRATIVE LAW JUDGE
OF THE STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE
HEARINGS
[No Oral Argument Pursuant to Local
Rule]**

Judge: The Honorable Thomas J. Whelan

23 TO THE HONORABLE THOMAS J. WHELAN and to all parties and their attorneys:
24 PLEASE TAKE NOTICE that Ron Diedrich, in his official capacity as Director and Chief
25 Administrative Law Judge of the State of California Office of Administrative Hearings ("OAH")
26 moves this Court for an order permitting the moving party to intervene by right in this action
27 pursuant to Rule 24(a) of the Federal Rules of Civil Procedure and, in the alternative, permissive
28 intervention pursuant to Rule 24(b) of the Federal Rules of Civil Procedure. Please take further

NOTICE OF MOTION TO INTERVENE BY RON DIEDRICH, IN HIS OFFICIAL CAPACITY AS DIRECTOR AND CHIEF ADMIN. LAW
JUDGE OF THE STATE OF CALIFORNIA OFFICE OF ADMIN. HEARINGS Case No. 08 CV0226 W AJB

1 notice that applicant, pursuant to the application for order shortening time, is asking that the
2 Court treat this motion on an expedited basis so that the motion may be heard prior to the
3 presently pending motion for temporary restraining order in order that moving party may respond
4 to, and be heard, at the hearing for the temporary restraining order set for March 24, 2008.

5 This motion will be based on this notice of motion, the declarations in support of this
6 motion, and the Points and Authorities filed in support of the motion for intervention. The
7 grounds for this motion are that the movant is entitled to intervene as a matter of right pursuant to
8 Rule 24(a) of the Federal Rules of Civil Procedure and, in the alternative, by permission pursuant
9 to Rule 24(b) of the Federal Rules of Civil Procedure.

10 Dated: March 7, 2008

11 Respectfully submitted,

12 EDMUND G. BROWN JR.
Attorney General of the State of California

13 CHRISTOPHER E. KRUEGER
Senior Assistant Attorney General

14 DOUGLAS J. WOODS
Supervising Deputy Attorney General

15
16
17
18 /s/ Susan K. Leach
SUSAN K. LEACH
Deputy Attorney General
19 Attorneys for Ron Diedrich, in his official capacity as Director
20 and Chief Administrative Law Judge of the State of California
Office of Administrative Hearings
21

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DECLARATION OF SERVICE BY FACSIMILE AND OVERNIGHT MAIL

Case Name: **C.S., by and through his Conservator, Mary Struble v. California
Department of Education**

Case No.: **08 CV0226 W AJB**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 300 South Spring Street, Suite 1702, Los Angeles, CA 90013. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business. My facsimile machine telephone number is (213) 897-1071.

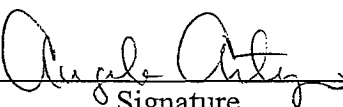
On March 7, 2008 at 1:38 PM., I served the attached **NOTICE OF MOTION TO INTERVENE BY RON DIEDRICH, IN HIS OFFICIAL CAPACITY AS DIRECTOR AND CHIEF ADMINISTRATIVE LAW JUDGE OF THE STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS** by transmitting a true copy by facsimile machine, pursuant to California Rules of Court, rule 2.306. The facsimile machine I used complied with Rule 2.306, and no error was reported by the machine. Pursuant to rule 2.306(g)(4), I caused the machine to print a record of the transmission, a copy of which is attached to this declaration. In addition, I enclosed in a sealed envelope with the **California Overnight Courier Service**, addressed as followed:

Ellen Dowd
658 Del Mar Heights Road #228
Del Mar, California 92014
(858) 755-6348

Gabriel C. Vivas, Deputy General Counsel
Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814
(916) 319-0155

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 7, 2008, at Los Angeles, California.

Angela Artiga
Declarant


Signature

***** -COMM. JOURNAL- ***** DATE MAR-07-2008 ***** TIME 14:07 *****

MODE = MEMORY TRANSMISSION

START=MAR-07 14:06

END=MAR-07 14:07

FILE NO.=582

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-DEPARTMENT OF JUSTICE -

***** UF-8000 v2 ***** -LOS ANGELES - ***** 213 897 1071- *****

EDMUND G. BROWN JR.
Attorney GeneralState of California
DEPARTMENT OF JUSTICE

FAX TRANSMISSION COVER SHEET

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DATE: March 7, 2008

TIME: 2:03 PM

NO. OF PAGES: 4

(Including Fax Cover Sheet)

TO:

NAME: Gabriel C. Vivas, Deputy General Counsel

OFFICE: Department of Education

LOCATION: Sacramento

FAX NO.: (916) 319-0155

PHONE NO.: (916) 319-0860

FROM:

NAME: Susan K. Leach, Deputy Attorney General

OFFICE: Government Law Section

LOCATION: Los Angeles

FAX NO.: (213) 897-1071

PHONE NO.: (213) 897-2105

MESSAGE/INSTRUCTIONS

Re: C.S., by and through his Conservator, Mary Struble v. California Department of Education
United State District Court - Southern District of California, Case No. 08CV0226 W AJB

Notice of Motion to Intervene by Ron Diedrich, in His Official Capacity as Director and
Chief Administrative Law Judge of the State of California Office of Administrative
Hearings

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***** UF-8000 v2 ***** -LOS ANGELES - ***** - 213 897 1071- *****

EDMUND G. BROWN JR.
Attorney GeneralState of California
DEPARTMENT OF JUSTICE

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DATE: March 7, 2008TIME: 2:03 PMNO. OF PAGES: 4

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TO:

NAME: Ellen Dowd, Esq.

OFFICE: _____

LOCATION: Del MarFAX NO.: (858) 755-6348PHONE NO.: (858) 342-8360

FROM:

NAME: Susan K. Leach, Deputy Attorney GeneralOFFICE: Government Law SectionLOCATION: Los AngelesFAX NO.: (213) 897-1071PHONE NO.: (213) 897-2105

MESSAGE/INSTRUCTIONS

Re: C.S., by and through his Conservator, Mary Struble v. California Department of Education
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